



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

October 14, 2010

Department of Fish and Game
Department of Food and Agriculture
Department of Parks and Recreation
Department of Pesticide Regulation
Department of Public Health
State Lands Commission
University of California

sent via email

Dear Responsible and Trustee Agencies:

**SUBJECT: CEQA - CENTRAL COAST WATER BOARD TO PREPARE DRAFT
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE CONDITIONAL
WAIVER OF WASTE DISCHARGE REQUIREMENTS FROM IRRIGATED
AGRICULTURAL LANDS**

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) has identified your agency as a responsible or trustee agency under the California Environmental Quality Act (CEQA)¹, and is providing you the attached Notice of Preparation of a Draft Subsequent Environmental Impact Report for the proposed Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Agricultural Order). A preliminary draft of the Agricultural Order (February 2010) is available at our website².

In July 2004, the Central Coast Water Board adopted a Conditional Waiver of Waste Discharge Requirements from Irrigated Agricultural Lands (2004 Waiver) and certified a Negative Declaration³ for the 2004 Waiver. The Central Coast Water Board is proposing to revise the 2004 Waiver because conditional waivers expire after five years. The proposed Agricultural Order is intended to clarify the 2004 Waiver and add some new requirements⁴. Staff released a preliminary draft Agricultural Order in February 2010. Since February, staff has made additional changes to the preliminary draft Agricultural Order and will release a revised draft Agricultural Order in November 2010. The Central

¹ California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375

² http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml (scroll down to see heading "Preliminary Draft Agricultural Order - February 1, 2010", See Attachment 3)

³ http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2004/july/item3/index.shtml (see attachment 1 for the Initial Study and Negative Declaration)

⁴ http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml (scroll down to see heading "Preliminary Draft Agricultural Order - February 1, 2010 and click on "Draft Summary Table of Changes Related to Existing Conditional Waiver")

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Coast Water Board plans to consider adoption of the 2010 Agricultural Order at its March 17, 2011 Board meeting.

Because the Central Coast Water Board will be considering revisions to the 2004 Waiver, staff has evaluated whether a supplemental or subsequent environmental impact report (EIR) or negative declaration is required pursuant to CEQA. The staff has determined that there may be sufficient new information to require a subsequent EIR for certain types of impacts.

Your agency has been identified as a responsible or trustee agency and therefore the Central Coast Water Board is seeking responses from you particularly with regard to the following sections of the CEQA Checklist that have been changed from an earlier draft prepared by the Central Coast Water Board:

2. Agricultural Resources:

(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? [*Change from "Less than significant impact" to "Less than significant with mitigation"*]

(c) Involve other changes in the exiting environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? [*Change from "less than significant impact" to "Less than significant with mitigation"*]

4. Biological Resources:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? [*Change from "No impact" to "Potentially significant impact"*]

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? [*Change from "No impact" to "Potentially significant impact"*]

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? [*Change from "No impact" to "Potentially significant impact"*]

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? [*Change from "No impact" to "Potentially significant impact"*]



17. Mandatory Findings of Significance

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
[Change from "No impact" to "Potentially significant impact"]

As stated in the Notice of Preparation attached, we are seeking the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project.

If you have any questions regarding this letter, please call **Shanta Keeling at (805) 549-3464**, or Lisa H. McCann at (805) 549-3132.

Sincerely,



Roger W. Briggs
Executive Officer

Attachments:
Notice of Preparation

cc:

Department of Fish and Game – Mike Hill, Environmental Scientist
Department of Food and Agriculture - Casey Walsh Cady, Staff Environmental Scientist
Department of Parks and Recreation – Ronnie Glick, Environmental Scientist
Department of Pesticide Regulation – John Sanders, Branch Chief
Department of Public Health – Cindy Forbes, Branch Chief
State Lands Commission – Drew Simpkins, Environmental Scientist
University of California – Charlotte Strem, Physical and Environmental Planning

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CEQA\post2010aug\memo_trusteeagcy_14oct2010_final.DOC



Notice of Preparation of a Draft Subsequent Environmental Impact Report

To: Department of Fish and Game
Department of Food and Agriculture
Department of Parks and Recreation
Department of Pesticide Regulation
Department of Public Health
State Lands Commission
University of California

From: Central Coast Water Board,
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and will prepare a subsequent environmental impact report (EIR) for the project identified below. The Central Coast Water Board has identified you as a responsible or trustee agency with respect to the proposed project. The Central Coast Water Board is seeking the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project.

The project description, location, and the potential environmental effects are contained at http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml (see heading "Preliminary Draft Agricultural Order - February 1, 2010). Please note that No. 5 "Preliminary Draft Initial Study and Environmental Checklist" has been revised as discussed in the transmittal letter attached to this Notice of Preparation. A copy of the Initial Study is not attached, but is available at the above website.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to **Shanta Keeling** at the address shown above or via email at skeeling@waterboards.ca.gov. Please provide the name and contact information for a contact person in your agency.

Project Title: Conditional Waiver of Waste Discharge Requirements for Discharges From Irrigated Lands, Order No. R3-2010-0040.

Date: October 14, 2010

Signature:
Title:



Executive Officer
Central Coast Water Board

California Environmental Protection Agency



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